



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,206	10/26/2000	Daniel E.H. Afar	G&C I29.21-US-U1	3714

25225 7590 01/24/2003

MORRISON & FOERSTER LLP
3811 VALLEY CENTRE DRIVE
SUITE 500
SAN DIEGO, CA 92130-2332

[REDACTED] EXAMINER

DAVIS, MINH TAM B

ART UNIT	PAPER NUMBER
1642	19

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

The amendment filed on 11/05/02 canceling claim 34 and did not elect any of the species of biological samples as recited in claim 34 is non-responsive (MPEP § 821.03). Applicant asserts that cancellation of claim 34 renders the issue of species election moot, and that it is not clear whether the Office requires a separate restriction in the Office action or an election of another species.

Applicant's argument has been considered but is not found persuasive, because although claim 34 has been cancelled, the elected pending claims 29-30, 32, 44-45, 50-51, 56-57, drawn to a method for detecting dysregulated cellular growth, or a neoplasm, or cancer in a biological or test sample, still read on a method for detecting dysregulated cellular growth, or a neoplasm, or cancer in any of the tissue or biological sample recited in claim 34. Further, it is clear from the previous Office action, that further species election is required.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 703-305-2008. The examiner can normally be reached on 9:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANTHONY CAPUTA can be reached on 703-308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0916.

MINH TAM DAVIS
January 23, 2003

Susan
SUSAN UNGAR, PH.D
PRIMARY EXAMINER